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7 Attorneys for Specially Appearing Defendant  
8 Candover Investments PLC  
9  
10

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 OLIVER HILSEN RATH,

16 Plaintiff,

17 v.

18 EQUITY TRUST (JERSEY) LIMITED,  
19 CANDOVER INVESTMENTS PLC AND  
DOES 1-10,

20 Defendants.  
21  
22

Case No. 07-4162 (WHA)

**DECLARATION OF ANDREW  
MOBERLY IN SUPPORT OF MOTION  
OF SPECIALLY APPEARING  
DEFENDANT CANDOVER  
INVESTMENTS PLC TO DISMISS FOR  
LACK OF PERSONAL JURISDICTION  
AND INSUFFICIENT SERVICE OF  
PROCESS**

Date: October 18, 2007  
Time: 8:00 a.m.  
Ctm: 9, 19th floor

23 I, Andrew Moberly, declare as follows:

24 1. I am employed by Candover Investments PLC as the Company Secretary. I have  
25 personal knowledge of the facts stated in this declaration and could testify to their veracity.  
26  
27  
28

1           2.       Candover Investments PLC is a British holding company that organizes and invests in  
2 large European buyouts. Its principal place of business is in the United Kingdom and it does not  
3 maintain an office, mailing address or any employees in California or elsewhere in the United States.

4           3.       Candover Investments PLC has not designated an agent for service of process in  
5 California or elsewhere in the United States.

6           4.       Candover Investments PLC is not registered or licensed to do business in California or  
7 elsewhere in the United States.

8           5.       Candover Investments PLC does not conduct any business in California or elsewhere in  
9 the United States.

10          6.       Candover Investments PLC does not maintain bank accounts in California or elsewhere  
11 in the United States.

12          7.       Candover Investments PLC does not own any real property in California or elsewhere  
13 in the United States.

14          8.       Candover Investments PLC does not pay taxes in California or elsewhere in the United  
15 States.

16          9.       Candover Investments PLC does not own a controlling interest in any company  
17 incorporated or organized in the United States.

18          10.       Candover Investments PLC does not participate in the management of any company  
19 incorporated or organized in the United States.

20          11.       Candover Investments PLC has a passive investment in Lombard Investments Inc., an  
21 international private equity manager with offices in San Francisco, Bangkok and Hong Kong. This is  
22 the only investment of Candover Investments PLC incorporated in California.

23          12.       In addition to its investment in Lombard Investments Inc., Candover Investments PLC  
24 has only three other direct investments in the United States, all of which are passive. It owns an 8.5%  
25 (fully diluted) interest in Dakota, Minnesota & Eastern Railroad Corporation ("DMERC"). The rights  
26 of Candover Investments PLC as a DMERC shareholder are no greater than those of other DMERC  
27 shareholders. Mr. Stephen Curran, a director of Candover Investments PLC, is a non-executive  
28

1 member of DMERC's Board of Directors. Candover Investments PLC also owns very small interests  
2 in Geocapital Partners, LLC and Extraprise Group, Inc.

3 13. To my knowledge, the only other activity of Candover Investments PLC in the United  
4 States is in connection with its recent private placement bond issue to investors in the United States. In  
5 June 2007, Candover Investments PLC participated in a road show in the United States in connection  
6 with this bond issue.

7 14. On May 21, 2003, Candover Investments PLC acquired a 5.2% stock interest in Equity  
8 Trust Holdings SARL, a Luxembourg holding company, which owns an indirect interest in Equity  
9 Trust (Jersey) Limited. The interest Candover Investments PLC owns in Equity Trust Holdings SARL  
10 has varied between 5.2% and 5.5% since 2003. The rights of Candover Investments PLC as a  
11 shareholder of Equity Trust Holdings SARL are, and have always been, equal to and no greater than  
12 those of every shareholder.

13 15. Candover Investments PLC received Plaintiff's complaint and papers via Federal  
14 Express on August 16, 2007 in London, England. The Federal Express International Air Waybill for  
15 Plaintiff's complaint and papers indicates that the Federal Express shipment was sent by Plaintiff  
16 Oliver Hilsenrath from 822 Eastbrook Court, Danville, California, 94506. On information and belief,  
17 Plaintiff's current residential address is 822 Eastbrook Court, Danville, California, 94506. Attached  
18 hereto as Exhibit 1 is a true and correct copy of the Federal Express International Air Waybill for  
19 Plaintiff's complaint and papers.

20 16. Candover Investments PLC never had any contacts with Oliver Hilsenrath or  
21 participated in the management of his assets.

22 17. Candover Investments PLC is not in the business of asset management.

23 Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury under the laws of the  
24 United States that the forgoing is true and correct. Executed this 4th day of September, 2007 at  
25 London, England.

26 By \_\_\_\_\_

27   
28 Andrew Moberly

## **EXHIBIT 1**

[illegible]

Wesley's Company

Real-time satellite tracking devices are available to air destinations. Dangerous goods cannot be shipped using this Air Waybill.

Non-Negotiable International Air Waybill • 01804-2006/PackEx